

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Banerjee et al.** §
Serial No. **09/965,152** § Group Art Unit: **3622**
Filed: **September 27, 2001** § Examiner: **Lastra, Daniel**
For: **Service Discovery in a Network of** §
Automatic Product/Service Dispensing §
Machines §

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Commissioner for Patents
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APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on August 25, 2008.

A fee of \$540.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

A three month extension of time is believed to be necessary. I authorize the Commissioner to charge the three month extension fee of \$1,110.00 to Yee & Associates Deposit Account No. 50-3157. No additional extension of time is believed to be necessary. If, however, an additional extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Yee & Associates Deposit Account No. 50-3157.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

This appeal has no related proceedings or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

The claims in the application are: 1-36

B. STATUS OF ALL THE CLAIMS IN APPLICATION

Claims canceled: 2-11, 13-22 and 24-33

Claims withdrawn from consideration but not canceled: None

Claims pending: 1, 12, 23, and 34-36

Claims allowed: None

Claims rejected: 1, 12, 23, and 34-36

Claims objected to: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 12, 23, and 34-36

STATUS OF AMENDMENTS

An Amendment after the Final Office Action of February 25, 2008, was not filed. Accordingly, the claims on appeal herein are as amended in the Response to Office Action filed December 5, 2007.

SUMMARY OF CLAIMED SUBJECT MATTER

A. CLAIM 1 - INDEPENDENT

The subject matter of claim 1 is directed to a method for providing products. A request by a user for an item is received at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines (**604, Figure 6**; specification, page 15, line 20). A payment device of the user is received at the first automatic product/service dispensing machine, wherein the payment device includes identity information (Specification, page 9, lines 16-20). Responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, the user is provided with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained (**606, 614, Figure 6**; specification, page 15, lines 20-22, page 16, lines 7-9). The user is requested to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine (Specification, page 8, lines 12-18). Responsive to the user selecting the second automatic product/service dispensing machine, the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine is provided (**618, Figure 6**, specification, page 16, lines 9-13; see also page 9, lines 11-20). Responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispenses the item and deducts the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine (Step **714, Figure 7**; specification, page 17, lines 8-10, see also page 9, lines 20-27).

B. CLAIM 12 - INDEPENDENT

The subject matter of claim 12 is directed to a computer program product in a computer readable media for use in a data processing system for providing products. The computer program product has first instructions for receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request by a user for an item (**604, Figure 6**; specification,

page 15, line 20), and second instructions for receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information (Specification, page 9, lines 16-20). The computer program product also has third instructions, responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, for providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained (**606, 614, Figure 6**; specification, page 15, lines 20-22, page 16, lines 7-9), and fourth instructions for requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine (Specification, page 8, lines 12-18). The computer program product also has fifth instructions, responsive to the user selecting the second automatic product/service dispensing machine, for providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine (**618, Figure 6**, specification, page 16, lines 9-13; see also page 9, lines 11-20), and sixth instructions, responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, for the second automatic product/service dispensing machine to dispense the item and deduct the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine (Step **714, Figure 7**; specification, page 17, lines 8-10, see also page 9, lines 20-27).

C. CLAIM 23 - INDEPENDENT

The subject matter of claim 23 is directed to a system for providing products. The system has means for receiving, at a first automatic product/service dispensing machine (**400, Figure 4**; specification, page 13, lines 16-19) at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines (**110, Figure 1**; specification, page 6, lines 27-31), a request by a user for an item (**404, Figure 4**; specification, page 14, lines 10-12); means for receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information (**408, Figure 4**; specification, page 14, lines 18-21), means, responsive to a determination that the item is unavailable at the

first automatic product/service dispensing machine, for providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained (**406, Figure 6**; specification, page 14, lines 12-18), means for requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine, means responsive to the user selecting the second automatic product/service dispensing machine, for providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine(**404, 406 Figure 4**; specification, page 14, lines 10-18, see also **116, 118 Figure 1**, specification, page 9, lines 11-27), and means responsive to receiving the payment device of the user at the second automatic product/service dispensing machine , for the second automatic product/service dispensing machine to dispense the item and deduct the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine (**410, Figure 4**; specification, page 14, lines 8-9, lines 18-21; see also, page 9, lines 20-27).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The ground of rejection to review on appeal is as follows:

A. GROUND OF REJECTION 1

Claims 1, 12, 23, and 34-36 are finally rejected under 35 U.S.C. § 103 as being unpatentable over Moore, U.S. Patent Number 7,084,737 in view of Walker, U.S. Patent Number 7,249,050 and further in view of Powell, U.S. Patent Number 5,956,694.

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1, 12, 23, and 34-36)

Claims 1, 12, 23, and 34-36 are finally rejected under 35 U.S.C. § 103 as being unpatentable over Moore, U.S. Patent Number 7,084,737 (hereinafter “Moore”) in view of Walker, U.S. Patent Number 7,249,050 (hereinafter “Walker”) and further in view of Powell, U.S. Patent Number 5,956,694 (hereinafter “Powell”).

In finally rejecting the claims, the Examiner states with respect to independent claims 1, 12 and 23:

As per claims 1, 12 and 23, Moore teaches:

A method for providing products, the method comprising:

receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user (see col 5, lines 1-30)

receiving at the first automatic product/service dispensing machine, a payment device of the user wherein the payment device includes identity information (see col 5, lines 1-5);

responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained (see col 5, lines 1-30; col 7, lines 20-40).

Moore fails to teach:

requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine; responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of discount value to be given to the user for the item to the second automatic product/service dispensing machine; and responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine. However, Walker teaches a vending machine that offers products to undecided customers and suggests substitute products when the originally selected item is unavailable (see Walker col 2, line 63 - col 3, line 6) and where the

substitute product may further be offered to the customer at a discounted price as an inducement to a buyer to accept the alternative (see Walker col 4, lines 40-45). Also, Walker teaches a system that when a product qualifies for multiple alternate offers all products that so qualify might be presented to a consumer in a single offer (e.g., "how about A or B or C instead?") so said consumer is able to select one of said plurality of alternate offers (see Walker col 18, lines 45-50). Furthermore, Walker teaches a vending machine that provides a customer with an alphanumeric magnetic-strip discount coupon that would be enter into a vending machine at a later date in order to redeem the discount coupon (see Walker col 15, lines 55-67). Powell teaches a system that stores discount coupons in magnetic-strip cards, where said cards include customers' identification data (see Powell abstract; col 6, lines 1-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects to purchase with a payment card a desired product in a first vending machine if said desired product is unavailable in said first vending machine, Moore would present to said consumer an option to select an alternative product located in a second vending machine where said option would include an incentive discount coupon as an inducement to said consumer to accept the alternative, as Walker teaches that it is old and well known in the promotion art to allow consumers to select one alternative product from a list of alternative products in a vending machine and to receive an inducement coupon for said selection when said consumers has previously selected in said vending machine an unavailable product. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects in said first vending machine an alternative product located in said second vending machine that Moore would use said consumer's magnetic strip payment device to identify said consumer and the discount coupon won by said consumer for selecting said alternative, as Walker teaches that it is old and well known in the promotion art that vending machines may be programmed to offer discounts coupons on alternative products when buyers selects unavailable products and to download said coupons to magnetic-strip cards and Powell teaches that it is old and well known in the promotion art to use said magnetic-strip cards to uniquely identify consumers when said consumers redeem discounts coupons stored in said magnetic-strip cards.

Final Office Action dated February 25, 2008, pp. 2-5.

Claim 1 on appeal herein is as follows:

1. A method for providing products, the method comprising:
 - receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user;
 - receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information;
 - responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained;
 - requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine;
 - responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine; and
 - responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). “Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR Int’l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). “Rejections on obviousness grounds cannot be sustained by mere conclusory statements;

instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Id. (citing In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006)).”

In the present case, the Examiner has failed to establish a *prima facie* case of obviousness in rejecting the claims because neither Moore nor Walker nor Powell nor their combination teaches or suggests all the claim limitations. With respect to claim 1, for example, neither Moore nor Walker nor Powell nor their combination teaches or suggests the steps of “requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine”, “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine”, or “responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.”

Moore is directed to a mechanism for notifying a customer of a vending machine at which a desired product is not available of a location of an alternate vending machine at which the product may be obtained. The Examiner acknowledges, and Appellants agree, that Moore does not disclose any of the above steps recited in claim 1. The Examiner, however, cites Walker and Powell as supplying these deficiencies in Moore.

Walker discloses vending machines that provide customers with electronic coupon offers which can be redeemed at a later time. Powell discloses providing customers in a store with a customer card that contains “electronic coupons.” In Powell, a customer may insert the card into a coupon dispensing device to receive a coupon code for a product. When the customer purchases the product, the card can be used to redeem the “electronic coupon” stored in the card.

Claim 1, however, recites that when an item is unavailable at a first automatic product/service dispensing machine, a user is advised of at least one alternative automatic product/service dispensing machine, and is requested “to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine.” Neither Moore nor Walker nor Powell discloses or in any way suggests requesting a user to select an alternative automatic product/service dispensing machine among at

least one alternative automatic product/service dispensing machine. Moore may provide a customer with a location of an alternate vending machine; however, and as acknowledged by the Examiner, Moore does not teach requesting the customer to select an alternative machine among at least one alternative product dispensing machine. Walker may disclose providing a customer with electronic coupon offers, but also does not request the customer to select an alternative automatic product/service dispensing machine. Powell may teach redeeming electronic coupons in a store, but is unrelated to purchasing products from automatic product/service dispensing machines and also does not disclose requesting a user to select an automatic product/service dispensing machine.

In the Response to Arguments section on page 6 of the Final Office Action dated February 25, 2008, the Examiner asserts that “it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that when a consumer selects to purchase with a payment card a desired product in a first vending machine if said desired product is unavailable in said first vending machine, Moore would present to said consumer an option to select an alternative product located in a second vending machine...” Claim 1, however, requests the customer to select an alternative machine in a micronetwork of machines, not to select an alternative product. Nowhere in Moore or in any of the other cited references is there any teaching or suggestion of requesting a user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine.” At best, and as indicated above, Moore may direct the user to an alternative machine but does not request the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine.

Accordingly, neither Moore nor Walker nor Powell nor their combination teaches or suggests “requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine” as recited in claim 1, and claim 1 is not obvious in view of the cited references for at least this reason.

The references also do not disclose or suggest “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” as recited in claim 1. Although Moore may provide a customer with a location of an alternate vending machine, and Walker may provide a customer with an electronic

coupon that may be redeemed at different locations, neither reference teaches or suggests “providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” responsive to the user selecting the second machine. Not only do the references fail to teach selecting a second product/service dispensing machine as indicated above, the references also fail to disclose or suggest providing identity information [that was included with a payment device received at the first automatic product/service dispensing machine] and notice of a discount value to be given to the user for an item to the second dispensing machine.” None of the references disclose providing any type of information to a second machine responsive to a user selecting the machine, and certainly the references do not disclose or suggest “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” as recited in claim 1.

In responding to Appellants arguments that the references do not teach or suggest “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine”, the Examiner asserts on page 7 of the Final Office Action dated February 25, 2008, that the references teach using magnetic strip cards as payment cards and to redeem coupons, and that it is known that reading the cards identifies the consumers. Assuming *arguendo* that the Examiner is correct, such teachings in no way constitute a teaching or suggestion of “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine” as recited in claim1.

Therefore, neither Moore nor Walker nor Powell nor their combination teaches or suggests “responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine”, and claim 1 is not obvious in view of the cited references for this reason also.

Yet further, neither Moore nor Walker nor Powell nor their combination teaches or suggests “responsive to receiving the payment device of the user at the second automatic

product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.” Although Powell may disclose deducting a value of an electronic coupon stored in a customer card when a product is purchased, the customer card is not a payment device, the customer card is not received at an automatic product/service dispensing machine, and the customer card is not received at an automatic product/service dispensing machine that has been selected by a user and to which identity information and notice of a discount value to be given to the user for an item has been sent.

Again, notwithstanding that the references may teach using magnetic strip cards as payment cards and to redeem coupons and that it is known that reading such cards may identify consumers, such teachings do not in any way teach or suggest “responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine” as required by claim 1.

Therefore, neither Moore nor Walker nor Powell nor their combination teaches or suggests “responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine”, and claim 1 is not obvious in view of the cited references for this reason as well.

Because, for at least the reasons indicated above, neither Moore, nor Walker nor Powell nor their combination teaches all of the features of the claimed invention recited in claim 1, the Examiner has failed to establish a *prima facie* case of obviousness in rejecting claim 1, and claim 1 patentably distinguishes over the references in its present form.

Independent claims 12 and 23 recite similar subject matter as claim 1, and are not obvious in view of the cited references for similar reasons as discussed in detail above with respect to claim 1. The Examiner has, accordingly, also failed to establish a *prima facie* case of obviousness in rejecting claims 12 and 23, and claims 12 and 23 also patentably distinguish over the cited art in their present form.

Claims 34-36 depend from and further restrict the independent claims and patentably distinguish over the cited art, at least by virtue of their dependency.

Therefore, for at least all of the above reasons, Appellants respectfully submit that claims 1, 12, 23, and 34-36 patentably distinguish over the cited references in their present form, and it is respectfully requested that the Board reverse the Examiner's Final Rejection of those claims.

Respectfully submitted,

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CLAIMS APPENDIX

The text of the claims involved in the appeal is as follows:

1. A method for providing products, the method comprising:
receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user;
receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information;
responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained;
requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine;
responsive to the user selecting the second automatic product/service dispensing machine, providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine; and
responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, the second automatic product/service dispensing machine dispensing the item and deducting the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.

12. A computer program product in a computer readable media for use in a data processing system for providing products, the computer program product comprising:

first instructions for receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user;

second instructions for receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information;

third instructions, responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, for providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained;

fourth instructions for requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine;

fifth instructions, responsive to the user selecting the second automatic product/service dispensing machine, for providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine; and

sixth instructions, responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, for the second automatic product/service dispensing machine to dispense the item and deduct the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.

23. A system for providing products, the system comprising:

means for receiving, at a first automatic product/service dispensing machine at a location in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item by a user;

means for receiving at the first automatic product/service dispensing machine, a payment device of the user, wherein the payment device includes identity information;

means, responsive to a determination that the item is unavailable at the first automatic product/service dispensing machine, for providing the user with redirection information regarding a location of at least one alternative automatic product/service dispensing machine in the micronetwork at which the item may be obtained;

means for requesting the user to select a second automatic product/service dispensing machine among the at least one alternative automatic product/service dispensing machine;

means responsive to the user selecting the second automatic product/service dispensing machine, for providing the identity information and notice of a discount value to be given to the user for the item to the second automatic product/service dispensing machine; and

means responsive to receiving the payment device of the user at the second automatic product/service dispensing machine, for the second automatic product/service dispensing machine to dispense the item and deduct the discount value from a price of the item, wherein the user is charged a reduced price for the item at the second automatic product/service dispensing machine.

34. The method of claim 1, wherein the payment device comprises one of a smart card, credit card, charge card and debit card.

35. The computer program product of claim 12, wherein the payment device comprises one of a smart card, credit card, charge card and debit card.

36. The system of claim 23, wherein the payment device comprises one of a smart card, credit card, charge card and debit card.

EVIDENCE APPENDIX

This appeal brief presents no additional evidence.

RELATED PROCEEDINGS APPENDIX

This appeal has no related proceedings.